
DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Proposed Critical Habitat for the Key Largo Woodrat and Cotton Mouse**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reopening of comment period.

SUMMARY: The Service gives notice that the comment period on the proposal to designate critical habitat for the Key Largo woodrat and Key Largo cotton mouse is reopened. Both of these federally-listed endangered species are restricted to Key Largo, Monroe County, Florida. The extended comment period will allow interested parties sufficient time to present their information.

DATES: The comment period reopens on August 30, 1985. Comments must be received by November 1, 1985.

ADDRESS: Comments and materials should be sent to the Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. David J. Wesley, Field Supervisor, at the above address (904/791-2580; FTS 946-2580).

SUPPLEMENTARY INFORMATION:**Background**

The Key Largo woodrat (*Neotoma floridana smalli*) and the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*) are small mammals native to the tropical hardwood forests of Key Largo, Monroe County, Florida. The range of both species on Key Largo has been reduced by commercial and residential development, and projected future development jeopardizes much of the remaining habitat of these rodents.

In the Federal Register of September 21, 1983 (48 FR 43040), the Service issued an emergency rule determining endangered status for the Key Largo woodrat and cotton mouse, pursuant to

the Endangered Species Act of 1973, as amended. The emergency designation expired on May 18, 1984. On February 9, 1984 (49 FR 4951), the Service proposed endangered status and critical habitat for both species under the usual procedures of the Act. A public hearing on the proposal was held April 24, 1984, in Tavernier, Monroe County, Florida. On August 31, 1984 (49 FR 34504), the Service published a final rule determining endangered status for the Key Largo woodrat and cotton mouse. The critical habitat designation was deleted from the final rule to expedite the listing process, as provided for by section 4(b)(6)(C) of the Act, as amended in 1982. Section 4(b)(6)(C) requires, however, that critical habitat be designated within 2 years of its proposal, if not designated concurrently with the final regulation listing the species.

On July 20, 1984, Mr. Lindell Marsh, an attorney representing several landowners on North Key Largo, requested the Service to attend a meeting to begin development of a habitat conservation plan (HCP) pursuant to section 10(a) of the Act. The purpose of the plan would be to resolve conflicts between development and endangered species on North Key Largo. Participants in the plan would include appropriate State and local agencies, landowners, and conservation groups. The approval of a permit pursuant to section 10(a) of the Act would allow incidental take of federally endangered species on North Key Largo, provided that such take was mitigated by conservation measures and would not appreciably reduce the likelihood of the survival and recovery of any such species in the wild. On November 21, 1984, the Service announced the proposed planning and reopened the comment period on the critical habitat proposal until May 8, 1985 (49 FR 45887).

Monroe County, Florida, within which Key Largo is located, is in the process of preparing a Comprehensive Plan for development of the County under the Florida Area of Critical State Concern process, Florida Statutes, Chapter 380. Any successful HCP for North Key Largo must be consistent with the requirements of the Monroe County Comprehensive Plan. In addition, Congress has allocated \$98,000, to be matched with non-Federal funds, for the development of an HCP for North Key Largo. The Service has subsequently entered into a grant agreement with the Florida Department of Community Affairs (DCA) under which the County, in cooperation with the DCA, will prepare an HCP for North Key Largo. In

preparing the HCP, the County and its staff will work with the North Key Largo Habitat Conservation Plan Study Committee to explore the possibilities for allowing reasonable levels of development on North Key Largo, while meeting the goals of section 10(a), which include ensuring the long term conservation of any affected listed species. Pursuant to the FWS-DCA grant agreement, the County will prepare the EIS for the Service for the possible incidental take permit in conjunction with its preparation of the HCP.

Biological studies of the Key Largo woodrat and cotton mouse are being carried out in development of the HCP. Studies of the federally endangered Schaus swallowtail butterfly, funded by Florida's Nongame Wildlife Program, are also underway. A prototype HCP is scheduled for completion by September 21, 1985; information from the biological studies should also be available by that date.

In order to allow the above information to be considered in making a final decision regarding critical habitat, as required by Section 4(b)(2) of the Endangered Species Act, the FWS reopens the comment period. All interested parties, whether or not involved with the conservation plan, are invited to submit comments and substantive information concerning the impacts of critical habitat designation until November 1, 1985, to the FWS office in the ADDRESSES section.

Author

The primary author of this notice is Dr. Michael M. Bentzien, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207.

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-350, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: August 22, 1985.

David B. Allen,

Acting Regional Director.

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